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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/865,880	05/25/2001	Gustav Tappe	LE 00 022	8018

23416 7590 10/23/2002

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EXAMINER

LE, HOA VAN

ART UNIT	PAPER NUMBER
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1752

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DATE MAILED: 10/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/865,880

Applicant(s)

TAPPE ET AL.

Examiner

Hoa V. Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-21 and 25-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-21 and 25-29 with respect to the elected species is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 13-21 and 25-29 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

This is in response to the Amendment filed on 24 September 2002.

I. A phone call was made to Mr. Ashley I. Pezzner on 30 September 2002 that it is appeared that applicants request to cancel claims 22-24. Mr. Pezzner that it is correct.

II. Applicants claim a foreign priority. It is acknowledged and given a limited value unless applicants (1) clearly and precisely point out by page and line to show each of the claimed embodiments from (2) a single English language translation of a priority document to overcome the provisionally applied allowed application Serial No. 09/715,612 which is equivalent to WO 01/50196 as submitted by applicants .

III. Claims 13-21 and 25-29 with respect to the elected and applied species remain rejected under 35 U.S.C. 103(a) as being unpatentable over Papai (6,221,570), (provisionally with Papai's allowed application Serial No. 09/715,612 which is equivalent to WO 01/50196 as submitted by applicants) considered in view of Meckl et al (3,293,036), Ohkubo et al (3,591,380), Williams et al (3,702,247) and Schranz et al (3,879,203).

It is conventional or well known in the art to made or obtain a concentrating composition for storage or transportation and dilute the concentrating composition with water to made or obtain a diluted composition for using. It is also well known or conventional in the art to obtain a bleach-fixing composition which must contain a beaching agent such as ferric salt of a polyaminocarbonic acid and a fixing agent such as thiosulfate. The bleach-fixing composition

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usually contain the conventional or well known additives such as a sulfite stabilizing agent (which is also known as a quick fixing agent, especially with low solubility of a photographic material containing silver chloride grains), well known buffering agents such as phosphates or substitutions and re-halogenating agent such as bromide. Please see the whole disclosure of each of the applied references, especially in Papai '570 at col.5:11 to 6:47, 7:39 to 8:52. Papai '196 at page 7:27 to 8:2 and 33 to 9:7 and 25 to 11:26, 13:32 to 11:13 to 15:17, 16:9 to 17:2 and 20-22. Meckl et al is cited to show a ready-to-use bleach-fixing composition containing the same requisite chemical ingredients and the well known additives and their relative proportions as those in the concentrating one except more water, especially in Meckl et al at col.2:58 and 3:2 and 26-35. The same is with Ohkubo et al at col.2:54 to 3:12, 4:35-59, Williams et al at col.2:3-62, 4:40-53 and 5:43-55 and Schranz et al at col.3:3-8, 6:1-9. Since the above references are related to bleach-fixing compositions containing the same requisite chemical ingredients, the well known additives and their relative proportions in the concentrating and diluting forms, it would have been obvious to one having ordinary skill in the art at the time the invention was made to make or use the same or essentially the same bleach-fixing composition for the same or essentially the same bleaching and fixing result. Applicants should show or provide an evidence to the contrary for a patentability of the instantly claimed invention. It is also conventional or well known in the art to make and use the diluting bleach-fixing composition, evidence can be seen in at least Meckl et al, Ohkubo et al, Williams et al and Schranz et al (Please see the citations at columns or pages on the record above). It is also conventional or well known in the art to make and obtain a concentrating bleach-fixing composition by using less water, adding more chemical ingredients. Evidence can be seen Papai as cited above. Applicants should show

or provide an evidence to the contrary.

IV. Applicant's arguments filed 24 September 2002 have been fully considered but they are not persuasive.

Applicants recognize that Papai '570 disclose, teach and suggest the use of phosphoric acid as an anti-staining agent but not a stabilizing agent. It is submitted that the same or substantially the same chemical phosphoric acid ingredient in the same or substantially the same bleach-fixing solution would provide the same or substantial anti-stain and stabilizer in the absence of an evidence to the contrary. In the absence of convincing evidence, the arguments have little value. It would be given full value in a claim related to a process for using phosphoric acid to stabilize a concentrated bleach-fixing solution as demonstrated or shown in the instant claimed only. However, the instant claims are not.

Applicants claim a foreign priority. It is acknowledged and given a limited value unless applicants (1) clearly and precisely point out by page and line to show each of the claimed embodiments from (2) a single English language translation of a priority document to overcome the provisionally applied allowed application Serial No. 09/715,612 which is equivalent to WO 01/50196 as submitted by applicants. Applicants state that an English translation will be submitted shortly. It is waiting.

V. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

VI. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoa V. Le whose telephone number is 703-308-2295. The examiner can normally be reached on 6:30AM-5:00PM, M-TH.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Janet Baxter can be reached on 703-308-2303. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7172 for regular communications and 703-746-7172 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Hoa V. Le
Primary Examiner
Art Unit 1752

HOA VAN LE
PRIMARY EXAMINER
Hoa Van Le
10/23/02